

SENATE BILL 1692

By Herron

AN ACT to amend Tennessee Code Annotated, Title 2,
Chapter 9, relative to source codes for electronic
voting machines.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 2, Chapter 9, Part 1, is amended by
adding the following as a new, appropriately designated section:

2-9-1__.

(a) Any county election commission responsible for tallying votes on an
electronic voting machine shall be required to place an exact copy of the source code for
any direct record electronic ballot tally software program in an approved escrow facility
prior to such program's use for any election no later than 5:00 p.m. on the seventh day
prior to the election. Such source code shall be used only for the purpose of
recanvassing a vote, an official recount, court order or for accuracy tests required by the
secretary of state.

(b) If a vote count software program is modified or altered after the submission
of the copy specified in subsection (a), the county election commission shall deposit the
subsequent program in the same manner no later than noon on the day of the election.

(c) The secretary of state may initiate proceedings in the chancery court of
Davidson County against any county election commission or election officials who have
not complied with the provisions of this section. In such action the secretary of state may
seek, and the court may grant, injunctive relief and any other relief available in law or
equity.

(d) The secretary of state is authorized to promulgate rules and regulations to
effectuate the purposes of this act including regulations regarding the definition of source

code, specifications for the escrow facility including security procedures for submitting source codes and criteria for access to source codes including allowing candidates access to such source codes in elections where the candidate with the most votes and the next closest candidate are within one-half (1/2) of one percent (1%). All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.